IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRI. WRIT PETITION NO. 1956 OF 2004

Mr. Surendra Alias Sanjay Kanaiyalal Bhardwaj ..Petitioner.

V/s.

The State of Maharashtra & Ors. ..Respondents.

Shri Ganesh Gole i/by R.M. Sawant for Petitioner.
Shri K.V.Saste, APP for the Respondent -State.

CORAM : A.M.KHANWILKAR, J.
DATED : 12.10.2004

PC :-

. Heard the learned counsel for the parties.

. I find no reason to interfere in exercise of writ jurisdiction in the facts and circumstances of the present case. The only argument canvassed before this court is that the action against the petitioner proceeds on the assumption that the petitioner is a habutal offender, whereas only one case is stated to have been registered, as noted in the show cause notice. This argument overlooks the fact that in the show cause notice, the authorities have taken cognizance of the offences registered against the applicant, thereby invoking action against the applicant under clause (d) and (e) of Section 110 of Cr.P.C.. They have also adverted to clause (g) of the

said section, which can be invoked against the person who is found to be desperate and dangerous as to render his being at large without security hazardous to the community. If this is so, merely because only one case is pending against the petitioner, does not mean that that clause (g) of section 110 cannot be invoked, if sufficient material to support that position is available with the concerned authority. In the present case, the impugned order passed by the authority, circumstances have been referred therein, including some more cases registered against the applicant. The argument before this court is that it was not open to the authority to advert to cases, which have not been referred in the show cause notice. I find no substance in this submission. Because for invoking clause (g) of section 110, the authority has not made reference to those cases and in fact has relied on the offences which are already adverted to in the show cause notice to justify invokation of clause (g) of Section 110. If it is so, no fault can be found with the authority for passing order, requiring the petitioner to execute a bond with sureties for good behaviour, in the facts and circumstances of the present case. Hence, the petition is dismissed.

. Ordered accordingly

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